



STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

Amended License for Diversion and Use of Water

APPLICATION 24026

PERMIT 16485

LICENSE 10918

Page 1 of 3

THIS IS TO CERTIFY, That

Robert Krauter and Marianina Godinho
P.O. Box 347
Davis, CA 95617-0347

have the right to the use of the waters of an **Unnamed Slough in Solano County**
tributary to **Putah Creek** thence **Yolo Bypass**
for the purpose of **Irrigation use**.

Amended License 10918 supersedes the license originally issued on **June 4, 1979**, which was perfected in accordance with the laws of California, the Regulations of the State Water Resources Control Board (State Water Board), or its predecessor, and the terms of **Permit 16485**. The priority of this right dates from **April 11, 1972**. Proof of maximum beneficial use of water under this license was made as of **May 25, 1977**.

The amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed **0.066 cubic foot per second, to be diverted from March 15 to June 30 and September 1 to October 31 of each year. The maximum amount diverted in any one year shall not exceed 21 acre-feet.**

Unless a change is approved by the State Water Board, water used under this license may be diverted, rediverted, stored and used only as specified below:

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

North 2,300 feet and West 950 feet from SE corner of projected Section 22, T8N, R1E, MDB&M, being within NE¼ of SE¼ of said Section 22.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

9 acres within NE¼ of SE¼ of projected Section 22, T8N, R1E, MDB&M as shown on map on file with the State Water Board.

To the extent that water available under this license is return flow, imported water, or wastewater, this license shall not be construed as giving any assurance that such supply will continue.

The State Water Board reserves jurisdiction over this license for the purpose of conforming the season of diversion to later findings of the Board on prior applications involving water in the Sacramento River Basin and Delta. Action by the Board will be taken only after notice to interested parties and opportunity for hearing.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

Reports shall be filed promptly by the licensee on the appropriate forms which will be provided for the purpose from time to time by the State Water Board.

Licensee shall allow representatives of the State Water Board and other parties, as may be authorized from time to time by the State Water Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the State Water Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the State Water Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the State Water Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

The quantity of water diverted under this license is subject to modification by the State Water Board if, after notice to the licensee and an opportunity for hearing, the State Water Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the State Water Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

If construction or rehabilitation work is required for the diversion works covered by this license within the bed, channel, or bank of the affected water body, the licensee shall enter into a streambed or lake alteration agreement with the State Department of Fish and Game. Licensee shall submit a copy of the agreement, or waiver thereof, to the Division of Water Rights prior to commencement of work. Compliance with the terms and conditions of the agreement is the responsibility of the licensee.

This license is granted and the licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the State Water Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

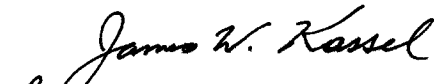
Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article (of the Water Code) and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

STATE WATER RESOURCES CONTROL BOARD


for Victoria A. Whitney, Chief
Division of Water Rights

Dated:

FEB 09 2006

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 10918 (Application 24026)

**Robert Krauter and Marianina Godinho, Schulze Limited Partnership,
John R. Pascoe and Susan M. Stover, David J. Viguie and Susan L. Viguie**

ORDER OF PARTIAL REVOCATION AND AMENDED LICENSE

SOURCE: Unnamed Slough tributary to Putah Creek

COUNTY: Solano

WHEREAS:

1. Division records indicate that Schulze Limited Partnership, John R. Pascoe, Susan M. Stover, David J. Viguie and Susan L. Viguie have requested revocation of License 10918 by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).

The original Licensee, John Phillips, requested revocation of License 10918 on May 19, 1997. No action has been taken on the revocation request. Mr. Phillips subsequently split his property, selling 12 acres of the place of use for License 10918 to Schulze Partnership Limited, 49 acres to John C. and C.D. Longhurst Trust, 14 acres to John R. Pascoe, and 9 acres to CalWest Seeds. The Division sought information from the new property owners regarding the license, by letter dated June 9, 1998.

David Schulze responded to the June 9 letter on June 11, 1998, indicating that he diverts from the slough downstream of the License 10918 point of diversion. Division staff subsequently discussed the issue of lack of access to the licensed point of diversion with Mr. Schulze, informing Mr. Schulze that a Change Petition must be filed with the Division to obtain authorization to divert at a new point of diversion. During a May 26, 2004 telephone conversation with Division staff, Mr. Schulze indicated that he is amenable to revocation of his portion of the license.

John Longhurst also responded to the June 9 letter (reply undated), stating that he uses a well to irrigate an almond orchard. Mr. Longhurst did not divert from the slough. David and Susan Viguie purchased the Longhurst Trust parcel. The Division's records document that License 10918 has not been used on the Viguie parcel since 1998. During a March 1, 2004 phone conversation with Division staff, Mr. Viguie indicated that there is not much water in the ditch now and that the Division should proceed with revocation of the license.

Mr. Pascoe responded to the June 9 letter on September 16, 1998, stating that he primarily uses a well. The slough is used for drainage. Division staff attempted to contact Mr. Pascoe by letter dated May 7, 2004 regarding the license. The May 7 letter advises Mr. Pascoe that Mr. Viguie requested revocation of the right. Mr. Viguie is the only active farmer as he leases land from

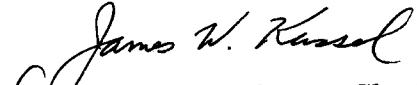
Pascoe and Krauter and is also the agent for License 10918, based on a phone conversation with Division staff on February 23, 2004. The May 7 letter required a response within 30 days, or the Division would process the revocation request. Mr. Pascoe did not reply to the Division.

Robert Krauter and Marianina Godinho purchased the CalWest Seeds parcel, and they want to maintain the water right.

Only the Pascoe and Krauter/Godinho parcels are adjacent to the authorized point of diversion for License 10918. Mr. Viguie farms the Pascoe property, and he does not use the License 10918 point of diversion. Thus, Division staff has determined that only Krauter/Godinho are using License 10918. Moreover, only Krauter/Godinho have expressed an interest in maintaining the license.

2. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 through 1675.2.
3. The State Water Board has determined that the license shall be partially revoked and amended to include the following specific corrections or changes:
 - a. The portions of License 10918 owned by Schulze Limited Partnership, John R. Pascoe, Susan M. Stover and David J. and Susan L. Viguie shall be revoked.
 - b. Robert Krauter and Marianina Godinho shall retain their portion of License 10918 with the fully licensed amount of water.
 - c. The current Place of Use shall be reduced to the 9 acres owned by Robert Krauter and Marianina Godinho as follows: 9 acres in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected section 22, T8N, R1E, MDB&M.
 - d. State Water Board standard license terms pertaining to continuing authority, water quality objectives, protection of threatened and endangered species, and the need for State Department of Fish and Game stream alteration agreement shall be updated or added to the amended license.

Therefore, it is ordered that License 10918 is hereby partially revoked and amended by the State Water Board. This partial revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.


for Victoria A. Whitney, Chief
Division of Water Rights

Dated: **FEB 09 2006**



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 24026

PERMIT 16485

LICENSE 10918

THIS IS TO CERTIFY, That

JOHN R. PHILLIPS AND CHARLENE PHILLIPS
P. O. BOX 187, DIXON, CALIFORNIA 95620

HAVE *made proof as of* MAY 25, 1977 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
AN UNNAMED SLOUGH IN SOLANO COUNTY

tributary to PUTAH CREEK THENCE YOLO BYPASS

for the purpose of IRRIGATION USE
under Permit 16485 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from APRIL 11, 1972 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed SIXTY-SIX THOUSANDTHS (0.066) CUBIC FOOT PER SECOND, TO
BE DIVERTED FROM MARCH 15 TO JUNE 30 AND SEPTEMBER 1 TO OCTOBER 31 OF EACH YEAR.
THE MAXIMUM AMOUNT IN ANY ONE YEAR UNDER THIS LICENSE SHALL NOT EXCEED 21 ACRE-
FEET.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 2,300 FEET AND WEST 950 FEET FROM SE CORNER OF PROJECTED SECTION 22, T8N, R1E, MDB&M, BEING WITHIN NE1/4 OF SE1/4 OF SAID SECTION 22.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

15 ACRES WITHIN NE1/4 OF SE1/4 OF PROJECTED SECTION 22, T8N, R1E, MDB&M
15 ACRES WITHIN SE1/4 OF NE1/4 OF PROJECTED SECTION 22, T8N, R1E, MDB&M
20 ACRES WITHIN NW1/4 OF SW1/4 OF PROJECTED SECTION 23, T8N, R1E, MDB&M
3 ACRES WITHIN SE1/4 OF NW1/4 OF PROJECTED SECTION 23, T8N, R1E, MDB&M
34 ACRES WITHIN SW1/4 OF NW1/4 OF PROJECTED SECTION 23, T8N, R1E, MDB&M

87 ACRES TOTAL

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION

TO THE EXTENT THAT WATER AVAILABLE FOR USE UNDER THIS LICENSE IS RETURN FLOW, IMPORTED WATER, OR WASTEWATER, THIS LICENSE SHALL NOT BE CONSTRUED AS GIVING ANY ASSURANCE THAT SUCH SUPPLY WILL CONTINUE.

THE STATE WATER RESOURCES CONTROL BOARD RESERVES JURISDICTION OVER THIS LICENSE FOR THE PURPOSE OF CONFORMING THE SEASON OF DIVERSION TO LATER FINDINGS OF THE BOARD ON PRIOR APPLICATIONS INVOLVING WATER IN THE SACRAMENTO RIVER BASIN AND DELTA. ACTION BY THE BOARD WILL BE TAKEN ONLY AFTER NOTICE TO INTERESTED PARTIES AND OPPORTUNITY FOR HEARING.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUNE 4 1979

STATE WATER RESOURCES CONTROL BOARD

M. A. Campos
Chief, Division of Water Rights